

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3969 of 2006

DATE OF DECISION: 28.8.2006

New India Assurance Company Ltd.

...Appellant

versus

Urmila and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice Mahesh Grover.

Present: Mr.Paul S.Saini, Advocate,
for the appellant

UMA NATH SINGH, J. (Oral)

In this FAO by the Insurance Company, on the strength of permission granted under Section 170 of the Motor Vehicles Act, 1988 (for short 'the Act'), in death case of the driver of the victim vehicle (Truck), said to be aged about 45 years, learned counsel submitted that though the FIR was lodged immediately after the accident but number of the offending vehicle, being tractor, was not given. Learned counsel also submitted that the claimants' witnesses, being Urmila (PW1) and Ram Surat (PW2), are said to be present in the vehicle at the time of accident. But the details of the offending vehicle were not given by them. That apart, learned counsel has no other submission.

We have carefully examined the award. We do not find any merit in the submissions of learned counsel for the reasons that the offending vehicle sped away soon after the accident and during the accident, the witnesses would have been in traumatic condition, who could not have registered the number of the offending vehicle. Besides, admittedly, the driver of the offending vehicle is facing criminal trial after the police have found sufficient materials and put up a challan against him. As regards the

quantum of compensation, the income of the deceased was assessed at Rs.2700/- per month, although he was a truck driver. The Tribunal has awarded a sum of Rs.5,000/- towards consortium and Rs.2,000/- towards funeral expenses, which do not appear to be on higher side. Interest awarded is also just and reasonable. Accordingly, we are not inclined to interfere with the award.

Hence, the FAO, being devoid of merits, is dismissed, at the threshold.

(UMA NATH SINGH)
JUDGE

August 28 , 2006
pk

(MAHESH GROVER)
JUDGE